

Meena

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO.758 OF 2023**

**SHAHID M. KHAN**

**...Petitioner**

**VS**

**THE STATE OF GOA THR ITS CHIEF  
SECRETARY AND 3 ORS**

**...Respondents**

**Mr. Nikhil Pai and Ms. Neha Kholkar, Advocate for the Petitioner.**

**Mr Devidas Pangam, Advocate General with Ms. Maria Correia,  
Additional Government Advocate for the respondents.**

**CORAM: M.S. SONAK &  
BHARAT P. DESHPANDE, JJ.**

**DATE: 8<sup>th</sup> NOVEMBER, 2023**

**P.C.:**

1. Heard Mr. Nikhil Pai who appear along with Ms. Neha Kholkar, learned Counsel for the petitioner and Mr Devidas Pangam, learned Advocate General with Ms. Maria Correia, learned Additional Government Advocate for the respondents.

2. Learned Advocate General fairly states that no opportunity of hearing was granted to the petitioner before issuing the impugned memorandum dated 05/09/2023 and, therefore, the same stands withdrawn.

3. The learned Advocate General however points out that the petitioner has not made any detailed representation as was contemplated by our judgment and order dated 25/04/2023 in Writ Petition No.835 of 2015. Mr Pai points out that the representation was made on 02/09/2023, though, the same may not be a detailed one. He now states that the petitioner will make a fresh representation or urges that this petition itself may be treated as a petitioner's representation.

4. Learned Advocate General states that the 2<sup>nd</sup> respondent would now treat this petition as petitioner's representation and dispose of the same within 30days after hearing the same. This statement is accepted and the 2<sup>nd</sup> respondent is directed to act accordingly.

5. The 2<sup>nd</sup> respondent must inform the petitioner, the date of the hearing. The petitioner must attend the hearing on the appointed date and time without seeking any adjournments.

6. In our judgment and order dated 25/04/2023 while disposing of Writ Petition No.835 of 2015, we had directed the 2<sup>nd</sup> respondent to consider the observations in the said judgment and order while disposing of the petitioner's representation. This direction is now reiterated because we find that the impugned memorandum dated 05/09/2023, which, now stands withdrawn, is nothing but reiteration of the memorandum dated 01/09/2015, which was set aside by this Court, in its judgment dated 25/04/2023 in Writ Petition No. 835 of 2015. Further, we direct that in case the 2<sup>nd</sup> respondent once again decides to reject the petitioner's

representation, such decision should not be enforced for a period of at least two weeks from the date of its communication to the petitioner.

7. This petition is disposed of in the above terms without any order for costs.

8. All concerned to act on an authenticated copy of this order.

**BHARAT P. DESHPANDE, J.**

**M. S. SONAK, J.**

MEENA  
VISHAL BHOIR

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